



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Thomas WALTHER et al.

Serial No.: 10/566,594

Filed: March 14, 2006

For: Method for Producing RFID Labels

Examiner: Angwin, David Patrick  
Group Art: 4155

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February 9, 2009

(Date of Deposit)

Alfred W. Froehrich  
Name of applicant, assignor or Registered Representative

Signature

February 9, 2009

Date of Signature

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

SIR:

This is a Request for a Panel Review of Issues on Appeal in accordance with the Office Gazette Notice dated July 12, 2005. The present request is filed concurrently with a Notice of Appeal. No amendments are being filed with this request. Arguments supporting the Request begin on page 2 of the present communication.

## **REMARKS/ARGUMENTS**

This Notice of Appeal and Request is filed in response to the final Office Action dated November 7, 2008.

Claims 25-58 remain pending in this application, with claims 25 and 45 being the only independent claims.

The issues for review are:

(1) whether independent claim 25 is unpatentable over U.S. Patent No. 6,259,408 (Brady) in view of U.S. Patent No. 6,614,392 (Howard) and U.S. Patent No. 6,429,831 (Babb), and

(2) whether independent claim 45 is unpatentable over Brady and Howard, in view of U.S. Patent No.: 7,029,825 (Yokota).

### **Independent claim 25**

Applicants believe there is a clear error in the rejection of independent claim 25 because the silkscreening printing techniques disclosed by Babb clearly do not disclose offset printing, as explained in more detail below.

The Examiner concedes that Brady and Howard both fail to teach or suggest “printing conductor tracks on a printing material by sheet-fed offset printing”, as recited in Applicants’ independent claim 25.

The Examiner cites col. 1, lines 35-40 of Babb as teaching printing by sheet-fed offset printing. Applicants submit that Babb has been misinterpreted.

The Examiner-cited passages of Babb disclose that the ink may be printed using silk screening techniques, such as in a sheet fed or roll operation. Babb further discloses that the laminated label may be formed by silk screening the materials forming the label on a releasable liner (see col. 2, lines 11-16 of Babb).

Screenprinting, silkscreening, or serigraphy are printmaking techniques that create a sharp-edged image using a stencil. This is the very prior art that the present invention differentiates from (see paragraph [0005] of the published version of the present application).

In contrast, Applicants' independent claim 25 clearly recites printing by sheet-fed offset printing. Offset printing is a widely used printing technique where the inked image is transferred (or "offset") from a plate to a rubber blanket, then to the printing surface. When used in combination with the lithographic process, which is based on the repulsion of oil and water, the offset technique employs a flat (planographic) image carrier on which the image to be printed obtains ink from ink rollers, while the non-printing area attracts a film of water, keeping the non-printing areas ink-free (see Wikipedia reference attached to the Amendment filed on March 5, 2008). As stated above, the use of silk screening techniques as disclosed by Babb fails to disclose teach or suggest "applying at least parts of an antenna and a tuned circuit required for functioning of the RFID label by printing conductor tracks on a printing material by sheet-fed offset printing", as expressly recited in independent claim 25.

Babb does not remotely hint at using a sheet-fed offset printing technique because Babb teaches avoiding using a substrate and printing directly on a release liner, such as silicone coated paper in order to reduce production costs (see col. 2, lines 52-59 of Babb).

In response to Applicants' argument that the references fail to show offset printing, the Examiner asserts that Applicants' description of offset printing, which states that "the inked image is transferred (or "offset") from a plate to a rubber blanket, then to the printing surface" includes limitations not recited in the claims. Applicants' strongly disagree. It is readily apparent to one skilled in the art that offset printing is a printing technique where the inked image is transferred (or "offset") from a printing plate to a rubber blanket, then to the printing surface. In other words, this is the definition of "offset printing" known and understood by those skilled in the art. Applicants' recitation of "offset printing" is synonymous with the above description.

Accordingly, claim 25 is patentable over Brady, Howard, and Babb under 35 U.S.C. §103(a).

## Independent claims 45

The Office Action states that the combination of Brady, Howard, and Yokota teaches all of Applicants' recited elements. Applicants also believe that there is a clear error in the rejection of claim 45 which will be described below because Yokota fails to teach or suggest anything about printing conductor tracks.

The Examiner concedes that Brady and Howard fail to teach or suggest, "printing conductor tracks on a printing material, directly or indirectly, using a relief printing plate", as recited in Applicants' claim 45. The Examiner, however, cites paragraph [0038], lines 3-8 of Yokota as teaching using a relief printing plate. The cited passage of Yokota reads, "[s]uch a printing element can be advantageously used for forming a relief pattern of a flexographic printing plate, a design roll for embossing, a relief pattern for printing tiles and the like, and patterning of a conductive material, a semiconductive material and an insulating material for producing an electronic circuit." However, nothing in the cited passage of Yokota teaches or suggests anything regarding RFID labels, printing RFID labels, or using a particular printing process to produce an RFID label, which includes at least part of an antenna and a tuned circuit.

In contrast to Yokota, Brady discloses a radio frequency transponder that includes a substrate layer, a radio frequency integrated circuit affixed to the substrate layer, and an antenna provided on the substrate layer in electrical connection with the radio frequency integrated circuit. The radio frequency integrated circuit of Brady is disposed in a flip-chip configuration facing downward toward the substrate layer, with electrical contacts aligned with the antenna (see abstract of Brady).

Also in contrast to Yokota, Howard discloses an intelligent label that includes a radio frequency transponder coupled to a global positioning system, both of which are attached to a substrate. Once the intelligent label of Howard is attached to an object, it will enable the object to be tracked as it moves from one point to another point. As the object moves, the global positioning system of Howard receives signals from GPS satellites and processes those signals into location data. The data of Howard is then either transmitted directly to an interrogation station by the radio frequency transponder, or stored in a memory (see

abstract of Howard). Further, although Howard discloses that portions of the RFID wiring can be printed, Howard provides no details regarding the methods of printing such RFID wiring.

Clearly, the disclosure of Yokota has nothing whatsoever in common with the teachings of Brady or Howard. Further, Yokota does not teach or suggest that the printing plate produced by the disclosed method could be used for printing electrically conductive tracks for producing at least parts of an antenna and a tuned circuit required for functioning of an RFID label.

Therefore, combining the teachings of Brady, Howard, and Yokota is improper since one skilled in the art would, in no way, be motivated to look to the teachings of Yokota to modify the teachings of Brady and Howard to produce Applicants' recited invention.

Accordingly, claim 45 is patentable over Brady, Howard, and Yokota under 35 U.S.C. §103(a).

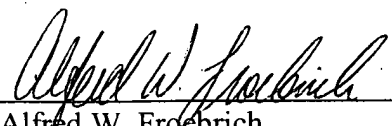
With respect to claims 26-44 and 46-58, which depend from claims 25 and 45, none of the other cited references teach or suggest the elements that Brady, Howard, and Babb or Yokota are missing. Therefore, claims 26-44 and 46-58 are also patentable over the cited references for reasons discussed above with respect to claims 25 and 45.

#### Conclusion

In view of the above remarks, the rejection of Applicants' claims should be withdrawn.

If any additional fees are required at this time in connection with the present application, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
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Dated: February 9, 2009